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CODE OF ETHICS
FOR THE FINE ARTS MUSEUMS
OF SAN FRANCISCO

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CODE OF ETHICS

FOR THE FINE ARTS MUSEUMS

OF SAN FRANCISCO

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CODE OF ETHICS
FOR THE FINE ARTS MUSEUMS
OF SAN FRANCISCO

PREAMBLE

The Fine Arts Museums of San Francisco consist of the M.H. de Young Memorial Museum and the California Palace of the Legion of Honor, and their contents, which were given, in trust, to the City and County of San Francisco in 1921. Gifts received thereafter by or on behalf of the Museums are held subject to the terms of the original trusts and subject to such other conditions as may have been accepted along with the gifts.

The Board of Trustees has determined that it is in the best interest of both The Fine Arts Museums and the general public to provide tangible expression of the ethical principles which shall guide the Board of Trustees, the Director, and other members of the staff, the members of the Boards of Directors of supporting organizations and volunteers in dealing with The Fine Arts Museums and their assets.

ARTICLE I
PURPOSE AND COVERAGE

Section 1.01. The purpose of the Code of Ethics is to identify and clarify standards of conduct applicable to the members of the Board of Trustees (including members of the Standing Committees of the Board, who are not otherwise members of the Board), employees, volunteers and associated personnel. The standards set forth herein apply to all such personnel unless the specific provision identifies a smaller group for coverage purposes.

Section 1.02. In specific circumstances as identified herein, the Code of Ethics shall apply to the immediate family, corporations, partnerships or other organizations and individuals who may be subject to control, either directly or indirectly, by the Trustees, the Director, employees or volunteers of The Fine Arts Museums and its related organization.

Section 1.03. Nothing in this Code shall be construed to be in conflict with any applicable state or local law or regulation, including the Fine Arts Museums' Conflict of Interest Code. Should a conflict occur, the applicable law or regulation shall supersede this Code.

ARTICLE II DEFINITIONS

Section 2.01. "Associated Personnel" means the members of the Board of Directors, employees and volunteers of organizations that have a special relationship with The Fine Arts Museums, including the Corporation for the Fine Arts Museums of San Francisco and its affiliated organizations such as the Graphic Arts Council and Textile Arts Council, The Fine Arts Museum Foundation and the Museum Society, and organizations which the Museum Society charters including, but not limited to, the Docent Council and the Museum Society Auxiliary.

Section 2.02. "Board of Trustees" means the governing board of the Fine Arts Museums of San Francisco.

Section 2.03. "Trustee" means a member of the Board of Trustees and any member of a Standing Committee of the Board of Trustees who is not otherwise a member of the Board.

Section 2.04. "Covered personnel" and "persons covered by this Code" include trustees, employees, associated personnel and volunteers, as defined herein.

Section 2.05. "Employee" means the Director or staff member of The Fine Arts Museums, whether full or part-time, whether paid or unpaid, and whether his or her salary is paid by the City and County of San Francisco or one of the Museums' support organizations. Independent contractors who provide services to the Museums by contract may be considered employees for purposes of this Code as specified in their respective contracts.

Section 2.06. "Curator" includes any person with rank of curatorial assistant, assistant, associate, full or curator-in-charge of a collection department.

Section 2.07. "Volunteer" includes a person who donates time or services to The Fine Arts Museums, but who is not a Trustee or employee.

Section 2.08. "Gifts" include entertainment, favors, discounts, dispensations or other such arrangements.

Section 2.09. "Outside Employment" includes all activity for compensation, whether as an employee or independent contractor, unless the context indicates otherwise.

Section 2.10. "Person" includes a Trustee, employee or volunteer.

ARTICLE III
GENERAL GUIDELINES-CONFLICTS OF INTEREST
AND
CONDUCT IN THE PERFORMANCE OF DUTIES

Section 3.01. Covered personnel must refrain from any private business or personal or professional activity which would be inconsistent, incompatible, in conflict, or appear to conflict with, the interests of The Fine Arts Museums.

Section 3.02. Covered personnel shall not directly or indirectly make use of or permit others to make use of, for the purpose of furthering a private interest, information obtained through their association with the Museums which information is not available to scholars or the general public.

Section 3.03. In general, covered and associated personnel shall avoid any action which might result in or create the appearance of:

- (a) using their museum employment or relationship for private gain; or
- (b) affecting adversely the confidence of the public in the integrity of the Museums.

Section 3.04. Unless specifically authorized to do so, covered personnel may not disclose any official information of the Museums which is confidential or which represents a matter of trust, or any other information of such character that its disclosure might be contrary to the best interests of the Museums; e.g., private, personal or business-related information furnished to the Museums in confidence. Security and investigative data for official use only shall not be divulged to unauthorized persons or agencies.

ARTICLE IV
PERSONAL COLLECTING

Section 4.01. It is recognized that personal collecting by covered personnel advances professional knowledge and judgment. In addition, it is recognized that the Museums have limited funds for acquisitions and, therefore, it is the policy of the Board of Trustees to encourage Trustees and volunteers to develop collections in the belief that this may benefit the Museums in the future. Because the acquisition, maintenance and management of a personal collection may create

actual or apparent conflicts of interest, the following sections provide specific guidelines which govern personal collection.

Section 4.02. Trustees, employees and associated personnel may not engage in the business of dealing in objects of a type collected by the Museums. Occasional sales to upgrade a personal collection are permissible provided such collection activities are in compliance with other limitations contained in this Code or in other policies adopted by the Museums regarding personal collecting.

Section 4.03. A person covered by this Code may not participate in the Museums' decision to accept a donation of an object or to exhibit an object owned by that person.

Section 4.04. Members of the Board of Trustees, the Director, curators and members of the Acquisitions Committee may not purchase any object from the Museum's collection, either directly or indirectly, whether at a private sale or a public auction. Other covered personnel may only purchase an object from the Museums at public auction.

Section 4.05. Covered personnel may not use information obtained through their affiliation with The Fine Arts Museums, which information may not be available to scholars or the general public, to promote their personal collecting activities or the collecting activities of an associate, family member, or corporation, partnership or other business entity controlled, either directly or indirectly, by them.

Section 4.06. (a) A Curator who acquires, by purchase or exchange, an object or group of objects of a type collected or displayed by the Museum shall promptly give notice in writing of the acquisition to the Director of the Museums.

(i) For any object or similar group of objects with a value up to \$10,000 it will be at the Director's discretion to decide, after consultation with the appropriate departmental curator, whether or not the Museum wishes to waive its option to purchase the object or group of objects.

(ii) For any object or group of objects acquired by a Curator with a value over \$10,000, the Curator shall promptly give notice in writing to the director and the Chairman of the Acquisition Committee of the Board of Trustees. The Acquisition Committee shall determine, after appropriate consultation, whether or not the Museum wishes to waive its option to acquire by purchase the object or group of objects.

(b) In the case of the Director of Museums, any object or similar group of objects acquired by purchase or exchange will be promptly reported in writing to the Chairman of the Acquisition Committee of the Board of Trustees.

(i) For objects with a value of under \$10,000, it will be the decision of the Chairman of the Acquisition Committee, after appropriate consultation, whether or not the Museum wishes to waive its option to acquire by purchase the object or group of objects.

(ii) For objects over \$10,000 in value, the Acquisition Committee will determine, after appropriate consultation, whether or not the Museum wishes to waive its option to acquire by purchase the object or group of objects.

(c) In addition:

(i) Upon request, the employee shall make the object available for inspection by the Director or Acquisitions Committee and shall provide such additional information regarding place of origin, price, and other information as may be requested by the Director or Acquisitions Committee or the Board of Trustees and known to the employee.

(ii) The person receiving a notice pursuant to this Article shall acknowledge receipt on the face of the notice, date the acknowledgement and return the notice to the employee.

(iii) The employee giving a notice pursuant to this Article shall make no recommendations and shall abstain from participating in any deliberations of the Director or Acquisitions Committee or the Board of Trustees pertaining to acquisition of the object involved.

(iv) If at any time within 90 days after such notice the Museums decide that they wish to acquire the object, the employee must sell it to the Museums for the price paid by the employee plus the reasonable costs of acquisition.

(v) No individual subject to the provisions of this Code may disseminate information supplied pursuant to this section more broadly than is necessary to enable The Fine Arts Museums to acquire objects which it is desirable to include in the Museums' collections.

Section 4.07. The provisions of the Code concerning personal collecting shall apply equally to the spouses and minor children of covered personnel. The provisions of the Code shall also apply to private foundations, corporations, partnerships or other business entity controlled, either directly or indirectly, by covered personnel.

ARTICLE V OUTSIDE ACTIVITIES

Section 5.01. Outside Employment, Positions and Services.

(a) Outside employment may be appropriate when it would not adversely affect the performance of an employee's official duties, exploit the name and reputation of the Museums or reflect discredit on The Fine Arts Museums. Outside employment must be accomplished on the employee's personal time outside the Museum duty hours, and may be prohibited if it would be in conflict with the best interests of The Fine Arts Museums or the City and County.

(b) An employee must request authorization in writing prior to engaging in any outside employment (including teaching lecturing or writing) which is similar to or related to the employee's Museum responsibilities or activities.

(i) The written request shall describe the contemplated outside employment, the approximate remuneration expected, and the anticipated extent or duration of the employment. The employee must also notify his or her supervisor in writing of, and request authorization for, any substantial changes in the scope or nature of an outside employment already cleared by his or her supervisor.

(ii) If the Supervisor determines that the outside employment would not adversely affect the performance of the employee's official duties and does not give rise to an apparent or actual conflict of interest or other questionable circumstance, the supervisor shall initial and date the memorandum and return it to the employee retaining a copy in the employee's personnel file.

(iii) Except as required pursuant to Civil Service Commission Rule 29, to avoid any inference that outside employment is sponsored or supported by The Fine Arts Museums, supervisors should not indicate that the outside employment is "approved", but only that there is "no objection" to the outside employment. In addition, the employee shall not advertise his

or her affiliation with The Fine Arts Museum when engaging in activities outside the scope of their employment with the Museums.

(c) Authorization of outside employment may be given subject to appropriate conditions. These conditions may include, but are not limited to, requiring the employee to take affirmative steps to avoid using the Museums' names unnecessarily in connection with outside activities or misleading the public regarding the Museums's endorsement of the activities.

(d) In the case of a publication in which the author proposes to be identified as an employee of The Fine Arts Museums, authorization of the outside employment may be conditioned on the author incorporating language disclaiming that the views expressed are those of the Museums.

(e) Employees who hold full-time permanent or temporary civil service appointments with the City and County must also obtain authorization of additional part-time employment in accord with Civil Service Commission Rule 29.

Section 5.02. Community and Professional Activities.

(a) Employees of The Fine Arts Museum may accept awards from public service, professional and civic organizations for meritorious public contributions or achievements.

(b) Employees may not work, solicit or proselytize for such organizations during their Museum duty hours, or attempt to use in any way the name, reputation, property, or facilities of the Museums for the benefit of such organizations.

(c) The prohibitions of subparagraph (b), above, do not apply to professional organizations, such as the American Association of Museums and other recognized academic or scientific associations or to institutions with which the Museums have established a supporting or cooperative relationship.

Section 5.03. Teaching, Lecturing and Writing.

(a) Employees engaging in teaching, lecturing and writing which advances their research and increases and diffuses knowledge must carry out those activities in a manner consistent with The Fine Arts Museums' policies, including those pertaining to outside activities and employments.

(b) Employees may not, either with or without compensation, engage in teaching, lecturing or writing which depends upon information obtained as a result of his or her Museum employment, except when that information has been made available to the general public or will be made available upon request, or when the Director gives written permission for the use of non-public information on the basis that the use is in the public interest. Such permission may be given subject to appropriate conditions, including a requirement that any compensation received from outside sources be remitted to the Museums.

(c) Manuscripts, lecture notes and all other materials prepared during Museum duty hours are the property of the Museums and employees may not receive outside compensation for them. Employees are encouraged to seek the advice of the Director before agreeing to author as a private individual any publication which draws upon or relates to materials prepared in the course of carrying out Museum responsibilities.

ARTICLE VI GIFTS, FAVORS, ENTERTAINMENT, DISCOUNTS AND DISPENSATIONS

Section 6.01. Except as provided below, covered personnel may not accept gifts from outside individuals, businesses and organizations with whom they have dealings in their capacity as covered personnel as defined in this Code. Gifts from such sources to the relatives of covered personnel are also prohibited, unless the donor has a relationship with the relative independent of the person covered by this Code's relationship with the donor.

Section 6.02. The following are exceptions to Section 6.01 of this Article VI:

(a) It is permissible to accept meals within a reasonable value and entertainment of a few hours duration; lodging provided in an individual's home; and unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, and other items of modest intrinsic value.

(b) Within 30 days after receipt, more substantial gifts must either be returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes.

(c) When in the opinion of the Ethics Committee of the Board of Trustees or the Board of Trustees the circumstances make it clear that a gift is given on the basis of a personal relationship, rather than the business of the persons concerned, it is permissible to accept a gift, favor, entertainment, discount, dispensation or other thing:

(i) with a fair market value of \$50 or less. If the total fair market value of such gifts in any month exceeds \$50, acceptance is governed by the rules set forth below in the following subparagraphs.

(ii) with a value of greater than \$50, up to an including \$100, with the prior approval of the Chair of the Ethics Committee.

(iii) with a value of greater than \$100, with the prior approval of the full Ethics Committee.

(iv) which is approximately equal in value to a gift given in an exchange of gifts, with someone other than a lobbyist or art dealer on a holiday, birthday or similar occasion.

ARTICLE VII ACQUISITION, DISPOSAL, AND LOAN OF OBJECTS

Section 7.01. Covered personnel have an ethical duty to adhere to the Museums' collections management policies. Care of the Museums' collections and their accessibility should be in keeping with professionally accepted standards.

Section 7.02. Covered personnel who have direct contact with the public concerning gifts or bequests of art objects to the Museums shall communicate to potential donors the fact that the Museums' acceptance of a donated object is not necessarily an indication that the Museums will accession the object into their permanent collection.

ARTICLE VIII
APPRAISAL, AUTHENTICATION AND
IDENTIFICATION ACTIVITIES

Section 8.01. Appraisal, authentication and statements as to monetary value of objects may be prepared by employees only for internal use by the Museums, such as for insurance valuations of objects temporarily in the custody of Museums or on loan to other institutions. Such appraisal information may not be disseminated to sources outside the Museums by covered personnel without the approval of the Director.

Section 8.02. Qualified employees of the Museums designated by the Director may perform authentication and identification activities as a service to the public and as approved by the Director. No statement as to monetary value of any object shall be made in conjunction with authentication and identification activities conducted as a service to the public.

ARTICLE IX
REFERRALS

Section 9.01. When covered personnel are asked in the performance of their official duties to suggest sources for objects, materials or services such as conservation, appraisal or the transportation of art objects, several reputable suppliers or competent sources should be suggested, where possible, to avoid giving the appearance of an official endorsement by the Museums to any one source.

ARTICLE X
AVAILABILITY OF CONSERVATION SERVICES

Section 10.01. In the interest of conserving art generally, the services of the Conservation Departments shall be available to the public and to covered personnel in instances where the Director determines that the provisions of such services will not interfere with the Museums' activities and requirements. To support the continued availability of conservation services, the recipient of the services shall pay to the Museums an amount which is at least equal to the fair market value of the services. Specific operations and fee structures for the Museums' conservation facilities are governed by policy established by the Director.

ARTICLE XI REPRODUCTIONS OF ART WORK

Section 11.01. The Board of Trustees and the Director shall use particular care in authorizing the production or sale of reproductions of objects in the collection of The Fine Arts Museums in order to maintain a climate of artistic integrity.

Section 11.02. The fact that an object is a reproduction should be clearly indicated through the use of integral markings on the object, as well as signs, labels and advertising. Signatures, print edition numbers and printers' symbols or titles should not appear in the reproduction if in the original they occur outside the borders of the image. Similarly, signatures, edition numbers and/or foundry marks on sculpture should not appear on any reproduction.

Section 11.03. Reproductions of paintings and sculptures should only be offered in materials and sizes other than those used by the artist in the original work of art. It is recognized that reproductions of decorative arts serving functional purposes may pose special problems, but the fact that they are reproductions should be clearly indicated.

Section 11.04. In advertising reproductions, language should not be used which would imply that there is any identity or quality between the copy and the original, or which would lead the potential buyer to believe that by purchasing the reproduction he or she is, in effect, acquiring an original work of art.

ARTICLE XII ETHICS REVIEW

Section 12.01. It is recognized that doubts will sometimes arise for covered personnel concerning the propriety of their present or planned activities. When that occurs, such persons should consult a designated ethics advisor for advice. The procedures for obtaining written rulings on ethics questions are described below.

Section 12.02. For Trustees, the Director, and Associated Personnel the ethics advisor shall be the Chair of the Ethics Committee.

Section 12.03. For employees and volunteers, the ethics advisor shall be a person who is appointed by and serves at the pleasure of the Ethics Committee, hereafter referred to as the Staff Ethics Advisor. With the approval of the Director, the Chair of the Ethics Committee may from time to time invite the Staff Ethics Advisor to attend or participate in meetings of the Ethics Committee.

Section 12.04. Volunteers may obtain a ruling on whether they are employees or volunteers for the purposes of this Code from the Museums' Deputy Director for Administration. In deciding whether a particular individual is an employee for purposes of the Ethics Code, the Deputy Director for Administration will take into account, among other things, the nature and frequency of the service provided and the degree of supervision and control exercised by the Museums or their representatives.

Section 12.05. When requested by a person covered by this Code, an Ethics Advisor may issue a written ruling on an ethics question. The request for a written ruling must be made in writing by the person affected. The Director and the Deputy Director for Administration shall be furnished with a copy of all ethics rulings.

Section 12.06. Rulings prepared by the Staff Ethics Advisor are subject to review by the Chair of the Ethics Committee. Any ruling made by the Chair of the Ethics Committee may be appealed by the Director or the person who requested the ruling. All rulings made by the Chair of the Ethics Committee may be appealed first to the Ethics Committee and then a further appeal may be made to the Board of Trustees.

Section 12.07. For the purpose of administering this Code, and to the extent permitted by law, the decision of The Fine Arts Museums' Board of Trustees interpreting this Code shall be final.

ARTICLE XIII VIOLATIONS OF THE ETHICS CODE

Section 13.01. The following procedures are established to enable persons who perceive violations of this Code to bring the conduct in question to the attention of the Museums' administration so that the conduct can be evaluated and any action which may be appropriate can be taken. The procedures set forth in this Section should not be invoked unless there is a considered and sincere belief that the conduct in question constitutes an Ethics Code violation. The

procedures are not to be utilized for grievances which are outside the scope of this Code.

Section 13.02. When an Ethics Code violation involving a Trustee, the Director, Associated Personnel or a volunteer is perceived, the matter may be taken up with the Chair of the Ethics Committee or, in the case of the Chair of the Ethics Committee, the President of the Board of Trustees. The Ethics Committee receiving information about a perceived violation shall bring the indicated violation to the attention of the person involved, discuss it with him or her, and attempt to resolve it. If the indicated violation cannot be resolved, the matter may be referred, in writing, to the Ethics Committee for resolution.

Section 13.03. When an Ethics Code violation involving an employee is perceived, the matter may be taken up with the employee's supervisor who shall bring the indicated violation to the attention of the person involved, discuss it with him or her, and attempt to resolve it. If the indicated violation cannot be resolved at this level, the matter shall be referred to the Director then to the Ethics Committee, and then to The Fine Arts Museums' Board of Trustees, if necessary, for a final decision. The referral to the Ethics Committee must be in writing. For matters within the scope of Civil Service Rule 18, establishing a grievance procedure, the procedures set forth in Rule 18 control in the event those procedures are inconsistent with the foregoing.

Section 13.04. Information which the Ethics Committee or the Board of Trustees receives in connection with an Ethics Code violation shall be confidential. The information and the name of the person making the report of an Ethics Code violation may be disclosed to the person charged with a violation or any other person, committee or government agency in the discretion of the Board of Trustees.

ARTICLE XIV MISCELLANEOUS

Section 14.01. For the purpose of administering this Code, and to the extent permitted by law, the decision of The Fine Arts Museums' Board of Trustees interpreting this Code shall be final.

Section 14.02. A failure by a person covered by this Code to meet the standards set forth herein may be cause for appropriate remedial or disciplinary action.

